REMARKS

Applicant respectfully requests reconsideration and allowance of the subject Application. Claims 1–20 and 25–28 are pending in the application. Claims 1 and 15 are amended. Accordingly, claims 1-20 and 25-28 are pending as listed above.

In the Office Action dated February 3, 2005, the Office allowed claims 8–14 and 25–28. The Office rejected claims 1, 3–7, 15 and 17–20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,201 to Azizoglu et al. (hereinafter "Azizoglu") in view of the paper entitled "A Simple Data Link (SDL) Protocol for High-Speed Packet Networks, by Doshi et al. (hereinafter "Doshi"). Finally, the Office objected to claims 2 and 16 as depending from rejected base claims.

On June 2, 2005, Applicant's representative, David L. Cargille, met by telephone with Examiner Afsar M. Qureshi concerning the rejected claims. Applicant repectfully traversed the rejection and reiterated the arguments presented in Applicant's Response to Office Action Dated March 29, 2004. Applicant emphasized that the Office has still failed to establish a prima facie case of obviousness under 35 U.S.C. § 103(a), because it has not shown that the proposed combination of Azizoglu with Doshi would result in an operational embodiment. A person of ordinary skill in the art would therefore have no motivation to combine the references in the manner suggested by the Office. Nevertheless, over the course of the meeting, Applicant's representative and Examiner Qureshi reached agreement that the inclusion of a limitation in claims 1 and 15 similar to that in claim 8 — namely, "wherein the data represents, at least,

a data frame type or a control frame type" — would overcome the present rejection.

By the present amendment, therefore, Applicant has incorporated the above limitation into claims 1 and 15. Support for this amendment can be found in the original specification, claims or drawings — no new matter has been introduced. Neither Azizoglu nor Doshi teach or suggest that the block encoded data may represent a data frame type or a control frame type, and the claims are thus allowable. Applicant notes, however, that the present amendment is being submitted solely for business reasons (e.g., to expedite the issuance of a patent with the above claims), rather than for reasons of patentability, and reserves the right to further prosecute the originally submitted claims 1 and 15 in a related application without prejudice.
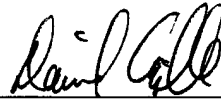
In addition to the above amendment to the claims, Applicant has amended the specification to correct typographical errors.
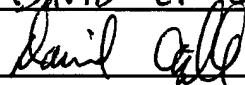
Conclusion

Pending Claims 1–20 and 25–28 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully submitted,

Dated: 7/5/05

By: ___David L. Cargille___

David L. Cargille
Reg. No. 46,600

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 7/5/05

Typed or printed	DAVID L. CARGILLE		
Signature		Date	7/5/05